

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

DENNIS M. DONOVAN,

Plaintiff,

v.

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY  
AND POPEO, P.C., ROBERT M. GAULT,  
individually, and PETER J. MARATHAS, JR.,  
individually,

Defendants.

Civil Action No.:  
04-12110 (MELW)

**AFFIDAVIT OF DAVID E. VALICENTI IN SUPPORT OF RAYTHEON'S  
EMERGENCY MOTION TO IMPOUND**

DAVID E. VALICENTI, being duly sworn and deposes and says:

1. I am an associate of Cain Hibbard Myers & Cook PC, co-counsel for the Plaintiff, Dennis M. Donovan ("Donovan").
2. I submit this Affidavit in support of Raytheon's motion to impound the Defendants' anticipated motion to dismiss.
3. Raytheon, as Intervener, has asserted that the exhibits to Defendants' motion to dismiss, and citations to those exhibits in Defendants' memorandum, are confidential. Donovan does not want any documents that would violate confidentiality to be filed in the public record.
4. Donovan also seeks an expeditious resolution of the issues concerning the confidentiality of the arbitration and settlement agreement with Raytheon.

5. Until the confidentiality issues are resolved, Donovan supports the impoundment of any materials that may violate confidentiality obligations.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 26th DAY OF  
October, 2004.

/s/ David Valicenti  
DAVID E. VALICENTI

COMMONWEALTH OF MASSACHUSETTS  
BERKSHIRE COUNTY, ss.

On this 26<sup>th</sup> day of October, 2004, before me, the undersigned notary public, personally appeared David E. Valicenti, personally known to me to be the person who signed on the preceding or attached document in my presence, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his knowledge and belief.

/s/ Chantelle Hill  
Notary Public

My commission expires: 4/21/11